

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

DAVID PEARSON AND RAYMOND PLILER	§
Plaintiffs	§
	§
VS.	§
	§
JULIE ANN EASTIN, TIMOTHY W. EASTIN,	§
FCA US, LLC D/B/A FCA GROUP, LLC AND/OR	§
CHRYSLER GROUP, LLC	§
Defendants	§

DEFENDANT FCA US, LLC'S NOTICE OF REMOVAL

Defendant FCA US, LLC ("FCA US"), formerly known as formerly known as Chrysler Group, LLC,¹ files this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, to remove this action filed in the 57th District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division. In support of this removal, FCA US respectfully shows the Court the following:

I. BRIEF FACTUAL AND PROCEDURAL BACKGROUND

This is a negligence lawsuit arising from an automotive accident that occurred on June 4, 2019, in San Antonio, Bexar County, County, Texas. See Ex. A (Plaintiffs' Original Petition). Plaintiffs allege they were traveling on North Loop 1604 when they slowed their vehicle for heavy traffic. *Id.* Thereafter, Plaintiffs allege their vehicle was rear-ended by a vehicle driven by Co-defendant Julie Ann Eastin. *Id.*

Plaintiffs filed this lawsuit in the 57th Judicial District Court in Bexar County, Texas, against FCA US, Julie Ann Eastin, and Timothy W. Eastin. *Id.*

¹ Effective December 15, 2014, Chrysler Group, LLC changed its name to FCA US LLC.

II. TIMELINESS OF REMOVAL AND CONSENT OF ALL OTHER NAMED DEFENDANTS

Plaintiffs served FCA US with a copy of Plaintiffs' Original Petition on June 4, 2021. See Ex. B (Return of Service). Pursuant to 28 U.S.C. § 1446(b)(1), FCA US timely files this Notice of Removal within thirty (30) days after service. Additionally, Defendants Julie Ann Eastin and Timothy W. Eastin consent to this Removal.

III. GROUNDS FOR REMOVAL

This removal is proper because the Court has subject matter jurisdiction based on complete diversity of citizenship between Plaintiffs and Defendants under 28 U.S.C. § 1332(a). Complete diversity of citizenship between the parties existed at the time the underlying action was filed in state court (June 2, 2021) and at the time of this removal (June 28, 2021).

A. Amount in Controversy

The Fifth Circuit determines whether the amount in controversy requirement is satisfied by asking whether it is "facially apparent" from a plaintiff's petition that the claims exceed the sum or value of \$75,000.00. See *Menendez v. Wal-Mart Stores, Inc.*, 364 F. App'x 62, 66 (5th Cir. 2010). Per Plaintiffs' Original Petition, Plaintiffs seek damages "over \$1,000,000.00." See Exhibit "A." Accordingly, the amount in controversy is satisfied.

B. Complete Diversity of Citizenship Between Plaintiffs and Defendants

There is complete diversity of citizenship between Plaintiffs and Defendants in this lawsuit. On information and belief, Plaintiffs are domiciled Louisiana and are citizens of Louisiana. See Ex. A. Further, Co-defendants Julie Ann Eastin and Timothy W. Eastin are domiciled in Colorado and are citizens of Colorado. *Id.*

FCA US is a Delaware limited liability company in good standing whose sole member is FCA North America Holdings LLC, which is a Delaware limited liability company, which has as its sole member FCA Holdco B.V., a company organized and existing under the laws of the Netherlands. FCA Holdco B.V. is 100% owned by Stellantis N.V. (formerly known as Fiat Chrysler Automobiles N.V.), a publicly traded company organized and existing under the laws of the

Netherlands. FCA US is therefore a citizen of Delaware, Michigan, and the Netherlands for purposes of federal diversity jurisdiction.

Given the complete diversity of citizenship between the parties, this Court has jurisdiction under 28 U.S.C. § 1332(a).

IV. VENUE

This district and division embrace the place in which the removed state court action has been pending. Specifically, the 57th District Court of Bexar County, Texas is geographically located within the Western District of Texas, San Antonio Division.

V. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

Copies of all process, pleadings, orders, and other filings in the state-court suit are attached to this Notice, pursuant to 28 U.S.C. § 1446(a). Those documents include the following Exhibits:

1. Plaintiffs' Original Petition, attached as Exhibit A;
2. Civil Case Information Sheet, attached as Exhibit B;
3. Request for Process on FCA Group, Chrysler Group, Julie Ann Eastin, and Timothy Eastin, attached as Exhibit C;
4. Citation on FCA d/b/a Chrysler Group, attached as Exhibit D;
5. Citation on FCA d/b/a FCA Group, attached as Exhibit E;
6. Citation on Julie Ann Eastin, attached as Exhibit F;
7. Citation on Timothy W. Eastin, attached as Exhibit G;
8. Affidavit of Service on FCA d/b/a Chrysler Group, attached as Exhibit H;
9. Affidavit of Service on FCA d/b/a FCA Group, attached as Exhibit I;
10. Affidavit of Service on Julie Ann Eastin, attached as Exhibit J;
11. Affidavit of Service on Timothy Eastin, attached as Exhibit K;
12. FCA US's Original Answer, attached as Exhibit L;
13. Julie Ann Eastin's Original Answer, attached as Exhibit M; and

14. Timothy Eastin's Original Answer, attached as Exhibit N.

FCA US will promptly file a notice of this removal with the clerk of the state court where the suit has been pending. A copy of that notice is attached as Exhibit O. With this Notice, FCA US is also filing a Disclosure Statement, pursuant to Federal Rule of Civil Procedure 7.1.

By filing this Notice of Removal, FCA US does not waive any legal defenses or objections to Plaintiffs' Original Petition, but expressly reserves its right to raise any and all legal defenses or objections in subsequent pleadings in this Court.

This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11, as required under 28 U.S.C. § 1446(a).

VI. JURY DEMAND

FCA US demands a trial by jury. FCA US made a jury demand in accordance with state law in the state court proceeding and has therefore preserved its right to a jury trial. See Fed. R. Civ. P. 81(c)(3)(A).

VII. CONCLUSION

In conclusion, FCA US represents that it has properly complied with the removal statutes set forth above, and this case thus stands removed from the 57th District Court of Bexar County to the United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

/s/ Suzanne H. Swaner

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**ATTORNEYS FOR DEFENDANT
FCA US LLC**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in accordance with the Federal Rules of Civil Procedure on the 2nd day of July, 2021.

/s/ Suzanne H. Swaner